



March 13, 2019

Greg Broiles
MuckRock News DEPT MR 60061
411A Highland Ave
Somerville, MA 02144-2516

RE: FOIA Case No. 2018-FPRO-01303

Dear Mr. Broiles:

This responds to your Freedom of Information Act (FOIA) request dated August 28, 2018, in which you seek access to Postal Service records. Please accept our apologies for the delayed response. Specifically, you requested:

All privacy Act or FOIA requests for records or documents concerning Abigail Spanberger of Glen Allen, Virginia between January 1, 2015 and August 28, 2018

Generally, the Freedom of Information Act (FOIA) requires government agencies to disclose reasonably described "records" within their possession unless the records fall within one or more of several exemptions. 5 U.S.C. § 552(a)(3), (b)(1)-(9).

We located 55 pages of responsive records to your request and we have determined that some of the information on 36 pages are being withheld under FOIA exemption 3, in conjunction with 39 U.S.C § 410(c)(2) and 6. Nineteen pages being releases in full. The records are in the enclosed CD.

Exemption 3 provides that agencies may withhold records that are exempted from disclosure by another statute that "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). We consider that 39 U.S.C. § 410(c)(2) operates independently as an exempting statute within the scope of Exemption 3.

Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, 39 U.S.C. § 101 et seq., (1970), which established the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles.

To determine what constitutes "good business practice" under § 410(c)(2), courts consider the customs of the commercial world, management techniques, and business law, as well as the standards of practice adhered to by large corporations. The Postal Service may withhold information of a commercial nature if large businesses would do the same. It would not be good business practice to release the requested information, and private businesses would not release information of this nature to the public.

Exemption 6 permits agencies to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Any records, which contain information concerning particular individuals, may qualify for the exemption's protection.

In determining whether to release records that may be protected by Exemption 6, the agency must balance the privacy interests of the individuals involved against the public interest, if any, that would be served by disclosure. We do not consider that there is a public interest in the disclosure of the requested information sufficient to outweigh the privacy interests of the individual involved. For the purposes of FOIA Exemption 6, the only public interest to be weighed is the extent to which disclosure would serve the "core purpose" of the FOIA, which is to contribute significantly to public understanding of the operations or activities of the government, or, in other words, to shed light on the conduct of government agencies.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at FOIAAppeal@usps.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

- Janine Castorina
Chief Privacy and Records Management Officer
Phone: (202) 268-3069
- Privacy & Records Management Office
US Postal Service
475 L'Enfant Plaza SW, Room 1P830
Washington, DC 20260-1101
Phone: (202) 268-2608
Fax: (202) 268-5353
- Jane Eyre
FOIA Public Liaison
Phone: (202) 268-2144

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Janine Castorina
Chief Privacy and Records Management Officer

Enclosure

